

11 January 2024

Hon Judith Collins, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: New Zealand Productivity Commission Act Repeal Bill

1. We have considered whether the New Zealand Productivity Commission Act Repeal Bill (the Bill) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO 26039/2.3). We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.
3. The Productivity Commission (the Commission) is an independent Crown Entity established by the New Zealand Productivity Commission Act 2010, which is administered by the Treasury. The Commission produces a combination of inquiries requested by Ministers and general work to further research and public understanding on issues around productivity.
4. The Commission is governed by a board consisting of a Chair and three Commissioners that is accountable and reports to the Minister of Finance. The Commission currently employs 22 staff and has approximately \$5.930 million of annual funding.
5. The Bill:
 - a. repeals the New Zealand Productivity Commission Act 2010;
 - b. disestablishes the New Zealand Productivity Commission;
 - c. provides for the consequences of that disestablishment; and
 - d. makes consequential amendments to other Acts.
6. The disestablishment of the Productivity Commission is intended to provide a source of funding for a new regulatory agency that will be established aiming to improve the quality of regulation. A Bill that repeals relevant legislation and provides for transitional arrangements, as well as consequential amendments, is necessary to give effect to this disestablishment.
7. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



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